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FISCAL IMPACT STATEMENT

LS 6336

BILL NUMBER: SB 67

NOTE PREPARED: Nov 24, 2010

BILL AMENDED:

SUBJECT: Procedures in Administrative Proceedings.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill establishes additional grounds for disqualification of an administrative law judge and replacement procedures. It provides that the proceedings before an administrative law judge are *de novo*.

This bill conforms summary judgment procedures and electronic service procedures in an administrative proceeding to the procedures under the Indiana Rules of Trial Procedure. It provides that settlement of an administrative matter results in the issuance of a final order that effectuates the settlement. It requires additional limited proceedings if the settlement of the matter includes the modification of an environmental permit. The bill also provides that an environmental law judge has the same authority and responsibilities as an administrative law judge.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Electronic Service Procedures:* This bill includes electronic facsimile transmission, electronic filing, or any other method approved by the Indiana Rules of Court to the list of methods that papers shall be served for administrative proceedings. However, initial notice of a determination and a petition for review of an agency must still be served by United States mail or personal service. To the extent that state agencies utilize electronic methods for the serving of papers, they could experience a decrease in expenses.

Summary Judgment Procedures: This bill conforms summary judgement procedures for administrative proceedings to the procedures under Trial Rule 56 of the Indiana Rules of Trial Procedure. This change may assist in a more efficient process as currently proceedings must conform to statute and Trial Rule 56, and

there are some differences between these procedures.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: All.

Local Agencies Affected:

Information Sources:

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